UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

*Ex parte* SCOTT J. BROUSSARD

Appeal 2008-0098
Application 09/870,622
Technology Center 2100

Decided: March 31, 2008

Before JAMES D. THOMAS, JOSEPH L. DIXON, and
LANCE LEONARD BARRY, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final
rejection of claims 1-17. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

BACKGROUND

Appellant's invention relates to a system and method for encapsulating software components in an application program interface using a proxy object. (Spec. 1). More specifically, the presently invention overcomes the difficulties traditionally involved in migrating legacy applications from AWT to Swing by providing a functional extension of Swing - referred to herein as "AWTSwing" - which allows Swing components to be substituted for existing AWT components. The substitution of components enables the original AWT object to be redrawn or otherwise graphically displayed in a manner, which is independent from the operating system. (Specification - page 24, line 15 to line 29). (Br. 3). An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A system for graphical display of an object created by an application program running under an operating system, comprising:

a graphics resource component adapted to display the object independently of the operating system;

a proxy component, which associates the object with the graphics resource component and invokes methods of the graphics resource component to display the object; and

a peer component, adapted to receive events pertaining to the object and route the events to the proxy component.

PRIOR ART

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

The Swing Connection, 2/98, Sun Microsystems, Volume 3, No.4, Swing Version 1.0 Introducing Swing, pages 1-7, (IS-SUN)

Mixing Heavy and Light Components, pages 1-13, (M-SUN)

REJECTIONS

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over IS-SUN and M-SUN.

Rather than reiterate the conflicting viewpoints advanced by the Examiner and Appellant's regarding the above-noted rejection, we make reference to the Examiner's Answer (mailed January 29, 2007) for the reasoning in support of the rejections, and to Appellant's Brief (filed November 7, 2006) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to Appellant's Specification and claims, to the applied prior art references, and to the respective positions articulated by Appellant and the Examiner. As a consequence of our review, we make the determinations that follow.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). "[T]he Examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability." *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). Furthermore, "'there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness' . . . [H]owever, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007)(quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

In the combination of IS-SUN and M-SUN, we find no teachings of peer and proxies being used in combination as set forth in the language of independent claim 1. Furthermore, even if the combination of M-SUN and IS-SUN would have been proper, we do not find that the combination of M-SUN and IS-SUN teaches or fairly suggests the invention as recited in independent claim 1.

From our review of the Examiner's rejection, we find the Examiner's rejection to be based on unreasonable claim terminology interpretation as similar terminology is used in the references. Moreover, we do not find

clear support for the Examiner's conclusions from the express teachings of
M-SUN and IS-SUN. Additionally, we find that the teachings of M-SUN
clearly suggestive not using the combination of teachings as asserted by the
Examiner.

Appellant argues that:

The presently claimed case provides a solution to the above-
mentioned problem by creating a proxy component, which is not
included within the existing classes of software components currently
belonging to the Swing application program interface (API). The
presently claimed proxy component enables Swing components to be
successfully incorporated within AWT-based application programs by
associating existing heavyweight (AWT) objects with lightweight
(Swing) graphics resource components. This enables the proxy
component to invoke the methods of the lightweight graphics resource
components for displaying the objects independently from the
operating system. The presently claimed peer component differs from
typical Swing peer components by routing events intended for the
existing heavyweight object to the presently claimed proxy
component. See, Specification, page 24, line 8 - page 29, line 10.

(Br. 8). We agree with Appellant.

Appellant further argues that

However, a "Swing class" cannot be considered equivalent to a "proxy
component" as suggested by the Examiner, since a "Swing class"
merely defines the properties and methods (e.g., shape, color, size,
location on screen, behavior, etc.) of a collection of Swing objects,
whereas a "proxy component" actually functions to associate an object
(e.g., a button displayed in a GUI) with a graphics resource
component (e.g., JButton 48) and to invoke the methods of the
graphics resource component (e.g., run the program code contained
within JButton 48) for displaying the object. A "Swing class," in

itself, does not and cannot function to associate an object with a
graphics resource component, invoke the methods of the graphics
resource component, or display the object. Therefore, the mere
mention of Swing classes within M-SUN does not provide teaching or
suggestion for the proxy component recited in present claims 1, 9, and
17.

(Br. 9). We agree with Appellant.

Appellant further argues that:

Furthermore, though a "peer component" may be an "ancestor" of
some other object, merely stating so provides no evidence of the peer
component being adapted to receive events pertaining to the object
and to route the events to a proxy component. Since M-SUN fails to
provide teaching for a "proxy component", any peer components that
may be described by M- SUN cannot be configured to route events to
a non-existent proxy component. As such, M-SUN also fails to
provide teaching or suggestion for the peer component recited in
present claims 1, 9, and 17.

(Br. 10). We agree with Appellant.

Appellant argues that the Examiner's interpretation of the term

"proxy" to mean merely a "substitute" to be unreasonable and does not

address the merits of the claim limitations in the context as recited in

independent claim 1. (Br. 10-11). We agree with Appellant and find that

the Examiner is dissecting the claim limitations rather that evaluating the

claim as a whole.

Since we find that the Examiner has not show that the combination of

M-SUN and IS-SUN would have taught or fairly suggested the invention as

recited in independent claim 1, we cannot sustain the rejection of

independent claim 1 and its respective dependent claims. We find similar limitation in independent claims 9 and 17, and we cannot sustain the rejection of independent claims 9 and 17and their respective dependent claims.

Moreover, with respect to dependent claims 7, 8, 15, and 16, Appellant argues that none of the cited prior art teaches or suggests that, when the object is part of a layout, the association of the object with the graphics resource component can be used to establish a parent-child relationship between the layout and the graphics resource component, which allows the graphics resource component to draw a (lightweight) object over an existing image of the (heavyweight) object originally drawn with the aid of the windowing system of the operating system. (Br. 13). We agree with Appellant and find that the Examiner seems to have viewed the claimed relationships in the reverse order than is specifically recited in the language of the dependent claims. Therefore, we cannot sustain the rejection of dependent claims 7, 8, 15, and 16 for this additional reason.

## CONCLUSION

To summarize, we have reversed the rejection of claims 1-17 under 35 U.S.C. § 103(a).

## REVERSED

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